

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES—GENERAL

Case No. CV 24-02600-MWF (JPRx)

Date: March 27, 2025

Title: Tony Bobulinski v. Hugh Dickson et al

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

Deputy Clerk:
Rita Sanchez

Court Reporter:
Not Reported

Attorneys Present for Plaintiff:
None Present

Attorneys Present for Defendants:
None Present

Proceedings (In Chambers): ORDER DISMISSING ACTION FOR LACK OF PROSECUTION; ENTRY OF JUDGMENT

On February 20, 2025, the Court granted five motions to dismiss filed by the various defendants in this action. (Docket No. 102 (“Prior Order”)). The Court granted Plaintiff Tony Bobulinski leave to amend the First Amended Complaint and instructed Plaintiff to file a Second Amended Complaint (“SAC”) on or before March 24, 2025. (*Id.* at 28).

Plaintiff has yet to file a SAC. The Court determines that this failure constitutes failure to prosecute and to comply with a Court order and warrants dismissal under Federal Rule of Civil Procedure 41(b). “In determining whether to dismiss a claim for failure to prosecute or failure to comply with a court order, the Court must weigh the following factors: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to defendants / respondents; (4) the availability of less drastic alternatives; and (5) the public policy favoring disposition of cases on their merits.” *Pagtalunan v. Galaza*, 291 F.3d 639, 642–43 (9th Cir. 2002); *see also Yourish v. Cal. Amplifier*, 191 F.3d 983, 989–92 (9th Cir. 1999) (explaining factors supporting dismissal with prejudice for failure to prosecute).

The Court concludes that the *Pagtalunan* factors weigh in favor of dismissal of this action. Plaintiff’s failure to act hampers expeditious resolution of the litigation, prejudices Defendants, and inhibits the Court’s ability to manage its docket.

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Accordingly, the action is **DISMISSED** *without prejudice* for lack of prosecution. Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

This Order shall constitute notice of entry of judgment pursuant to Federal Rule of Civil Procedure 58. Pursuant to Local Rule 58-6, the Court **ORDERS** the Clerk to treat this Order, and its entry on the docket, as an entry of judgment.